

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

No. 3:05CR400-FDW

UNITED STATES OF AMERICA,  
Plaintiff,

v.

(12) MICHAEL ROBERT KEARNS,  
Defendant.

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**ORDER DIRECTING CLERK TO  
DISTRIBUTE RESTITUTION PAYMENT TO VICTIMS**

A Consent Motion has been brought before this Court for an Order Directing Clerk to Distribute Restitution Payment to Victims. As set forth in this Court's September 17, 2008 Order (Dkt. 265), the funds, in excess of \$435,000, that are the subject of the Motion represent a partial restitution payment by Defendant Michael Kearns. The United States has advised this Court that another \$3,000 may have also been deposited by Defendant, with the Court, for payment towards restitution. Having considered the Consent Motion and reviewed the September 17, 2008 Order, this Court finds that all funds referenced herein, in the amount of approximately \$438,000, should be applied to restitution and distributed to victims as set forth in the Judgment in a Criminal Case (Dkts. 330; 330-2) against Defendant.

It is therefore ORDERED, ADJUDGED, AND DECREED that:

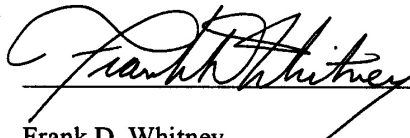
1. The Clerk of Court, as soon as the business of his office allows, shall distribute all funds on deposit with the Clerk, including funds in the approximate amount of \$438,000 and any interest earned on such funds, to pay restitution to victims as set forth in the Judgment in a

Criminal Case against Defendant.

2. The United States shall serve a copy of this Order upon the Financial Deputy Clerk.

IT IS SO ORDERED.

Signed: July 13, 2009

  
Frank D. Whitney  
United States District Judge

